



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

TRG

Docket No: 1313-00

15 November 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) Case Summary
(2) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy filed an application with this Board requesting that his reenlistment code be changed.

2. The Board, consisting of Mr. Mazza, Ms. Madison and Ms. McCormick, reviewed Petitioner's allegations of error and injustice on 31 October 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that Petitioner's application was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Navy on 26 December 1990 at age 19. On 10 January 1991 a medical board diagnosed him with migraine headaches and found him unfit for service. The next day he was notified of separation processing due to erroneous enlistment based on his past medical history. On 14 January 1991 the separation authority directed an entry level separation and the assignment of an RE-4 reenlistment code. He was so separated on 18 January 1991.

d. The Board is aware that RE-4 reenlistment codes are normally assigned when an individual fails to complete Navy

recruit training.

e. Petitioner has submitted evidence showing that after separation he was treated for allergies and that he has had no further migraine headaches. He desires to reenter the Armed Forces.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable action. Given the medical documentation which shows that he has been treated for allergies and no longer suffers from migraine headaches, the Board concludes that no useful purpose is now served by the RE-4 reenlistment code and that it should now be changed to an RE-3E reenlistment code. This code will alert recruiters that his physical condition will have to be evaluated before a waiver can be granted, but it will not preclude waiver consideration.

The Board further concludes that this Report of Proceedings should be filed in Petitioner's naval record so that all future reviewers will understand the reason for the change in the reenlistment code.

RECOMMENDATION:

- a. That Petitioner's naval record be corrected to show that on 18 January 1991 he was assigned an RE-3E reenlistment code vice the RE-4 reenlistment code now of record.
- b. That this Report of Proceedings be filed in Petitioner's naval record.
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.


ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby

announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.


for W. DEAN PFEIFFER
Executive Director